

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, a foreign
insurance company,

Plaintiffs,

v.

NORTH AMERICAN TERRAZZO, INC., a
Washington Corporation,

Defendants.

NORTH AMERICAN TERRAZZO, INC, a
Washington Corporation,

Third Party Plaintiff,

v.

TERRAZZO & MARBLE SUPPLY CO. OF
ILLINOIS, a foreign corporation,

Third Party Defendant

No. 2:19-cv-1175 MJP

**SCHEDULING STIPULATION AND
ORDER**

I. STIPULATION

Plaintiff Travelers Property Casualty Company of America (hereinafter “Travelers,
Defendant North American Terrazzo, INC (hereinafter “NAT”) and third-party Defendant

1 Terrazzo & Marble Supply Co., by and through their attorneys of record, hereby agree and
2 stipulate to the following:

3 NAT filed its Motion for Summary Judgment on October 10, 2019. Dkt. 21.
4 Immediately following, Travelers' noted the 30(b)(6) deposition of NAT and the deposition of
5 Randall Rubenstein. NAT objected.

6 The parties have a substantial disagreement as to whether Travelers may engage in
7 discovery prior to the Court's considerations of NAT's Motion. As such the parties have
8 agreed to stipulate to the following:

9 NAT filed its Motion for Protective Order on the Court's normal motion
10 calendar. Travelers will respond advising the Court as to why it believes it is entitled to the
11 discovery in advance of it having to respond to the summary judgment motion.

12 1. In order to allow the Court to consider NAT's Motion for Protective Order,
13 Travelers will stay all discovery until the Court rules. This includes Plaintiff's
14 First Set of Interrogatories and Requests for Production.

15 2. The parties agree to suspend briefing on the Motion for Summary Judgment
16 (Dkt. 21) subject to the following:

17 ▪ If the Court grants the Motion for Protective Order, Travelers'
18 Opposition to the Motion for Summary Judgment will be due 10
19 business days after the date of that Order. NAT's Reply will be due 5
20 business days later and that will become the noting date for the
21 summary judgment motion.

22 ▪ If the Court denies the Motion for Protective Order, NAT will provide
23 Travelers with proposed deposition dates within 5 business days of the

Order. The parties will confer and agree to mutually convenient dates for the depositions.

- Travelers' Opposition to the Motion for Summary Judgment will be due 10 business days after the date of the last deposition. Reply will be due 5 business days later and that will become the noting date for the motions.

3. In the meantime, all parties agree that no discovery will be served until Travelers is able to conduct the discovery that it has already sought or until the Court enters a protective order precluding Travelers' discovery.

4. The parties further stipulate that the deadlines for initial disclosures and the joint status report are stayed until the Court rules.

DATED this 18th day of October, 2019.

LEATHER & ASSOCIATES, PLLC

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s/ Eric Neal

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12 Attorneys for Third Party Defendant Terrazo
& Marble Supply Co. of Illinois

13 **II. ORDER**

14 Based on the foregoing, it is so ordered.

15
16 DONE IN OPEN COURT this 25th day of October, 2019.

17
18 

19 Marsha J. Pechman

20 United States District Judge

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies under the penalty of perjury under the laws of the
3 State of Washington that on this date I caused to be served in the manner noted below a true
4 and correct copy of the foregoing on the parties mentioned below as indicated:

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14 *Attorneys for Third Party Defendant Terrazo & Marble Supply Co. of Illinois*

15 By: ☐ First Class Mail ☒ ECF/ E-mail ☐ Legal Messenger

16 Dated this 18th day of October, 2019 at Seattle, Washington.

17
18 s/ Elizabeth Kruh
19 Elizabeth Kruh | Paralegal